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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Earl Warthen, Objector

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

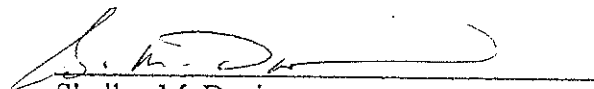
In Re SRBA	)	Subcase Nos. 45-10502, 45-12906,
	)	45-10480, and 45-10481
	)	
Case No. 39576	)	MOTION FOR COURT TO REQUEST
	)	PREPARATION OF RULE 706 REPORT
	)	IN THE ABOVE-ENTITLED SUBCASES
	)	
	)	

COMES NOW, Shelley Davis, Counsel for Earl Warthen, and Michael Tribe,
Counsel for Norman and Dolores Smyer, and Kevin Smyer, and hereby request that the
Court request the Idaho Department of Water Resources to prepare a Report in
accordance with Snake River Basin Adjudication Administrative Order 1, rule 10(g)(3),
and Idaho Rule of Evidence 706, for each of the above entitled-sub cases which have
been consolidated for trial.

A form of proposed Order has been submitted for the Court's consideration and
convenience.

Dated this 14th day of December, 2005.

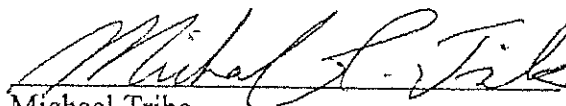
BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Counsel for Earl Warthen

Dated this 13th day of December, 2005.

LING ROBINSON & WALKER, LLP



Michael Tribe
Counsel for Norman, Dolores, & Kevin Smyer

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2005, I served a true and correct copy of the foregoing *MOTION FOR COURT TO REQUEST PREPARATION OF RULE 706 REPORT* on the following by U.S. Mail, postage prepaid:

Original to:

Clerk
Fifth Judicial District Court
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Counsel for the Objector/Claimants:

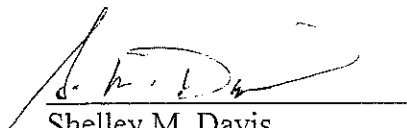
Michael Tribe
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Shelley M. Davis